

Since the beginning, we have been quite open with the state in disclosing our plans to eliminate a water discharge from the subject plant. It was and still is our intent to construct the basins and lagoons in question to replace the earthen basins that have been in use for many years. These basins still most effectively remove suspended solids as I am sure you know from reviewing our periodic monitoring reports.

Our present permit conditions are being met. These conditions do not change until after April 30, 1975. From that time on, until April 30, 1979, the expiration date of our permit, the only change is in the maximum allowable range for the pH of our effluent. The pH of our effluent is required to drop from 11 to 9. New Jersey standards for our class receiving stream lists an allowable limit for pH of "between 6.5 and 8.5 unless naturally outside thereof." Our records show that on many occasions, our plant has measured in-coming water from the Passaic in excess of 9.

We do not have a complete set of data on the Passaic, but I am sure that the state records would clearly indicate the pH range before and after our plant. The stream has good assimilative capability and to my knowledge, the high pH of our effluent has never had a harmful effect on the receiving stream.

As an aside, I wonder if you could help resolve a question we have with respect to federal standards. Are the standards established to measure the net effect on the stream or established to measure specifically the characteristics of the effluent? Certain members of my staff feel very strongly as a result of many seminars they have attended, that the federal law recognizes only stream effect. If this is true, then our pH parameter can be established as less than 9 immediately, since even when discharging an effluent with a pH of 11, we do not measure more than a unit increase in the pH of the receiving stream.

With respect to our problem at hand, if reduction of pH is the issue, this can be accomplished through dilution or the addition of acid. Neither of these actions I believe would be in keeping with the spirit of the law.

I might also at this time point out that our efforts at approaching zero discharge have had a measureable effect. In my report to your agency on July 19, 1973, I indicated some of the specific actions that were taken with the resultant effluent flow decrease of some 10,000 gallons per day. Our average daily flow of 150,000 gallons as listed in our permit application, has now been cut to approximately 1/3 with flows on certain days as low as 4%. This flow reduction, of course, increases the assimilative capabilities of the receiving stream.

With respect to our planned construction, our inability to accomplish this is simply a question of economics. More than 50% of our plant production capability is no longer in use. Our present operation is a most limited one resulting in close control of any expenditures not absolutely necessary. A realistic outlook would be that the requirement for a major capital investment is sufficient cause to cease all operations at this plant. While the numbers are small in comparison to other operations, they are sufficiently large to force this decision on any realistic management. The economic impact for our present plant staff would obviously be severe.

An effort could be made to have plant forces construct the facility we plan to ultimately install. However, when presented with that challenge, they realistically could question the replacement of our existing earthen basins. This would not make water recovery a viable scheme which primarily is the objective of our planned construction.

You have a right to ask when this construction is contemplated. In trying to determine this, I have been told it is a question pure and simple of economics and that our present condition does allow the planning of this construction in the calendar year 1975. We do intend, however, to carry out the responsibilities of this office and in keeping with our Company policy, we will take whatever steps are necessary to protect our environment and to meet our obligations as good citizens. I think, up to this point, we have demonstrated that commitment.

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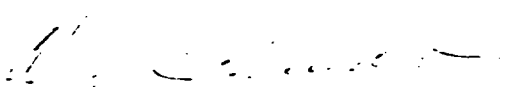
The question at hand seems to be whether or not this lagoon construction is necessary to protect the environment. We feel it is a side issue that inadvertently became part of our permit conditions and we respectfully request that consideration be given to revising our permit so as to eliminate this element. Further, we would like consideration of changing the pH parameter date line from October 30, 1975 to October 30, 1976.

As I explained to you in our most recent telephone discussion, I intended to present to you all the facts of the matter. This I have tried to do in the foregoing. Further, from our conversation, you know I expressed an interest in discussing with you or with members of your staff, any points or specifics that you feel could not reasonably be granted. I again, formally make that request since I know you agree these matters can be resolved in the best interests of all of the people through open discussion as opposed to challenging letters or litigation.

I look forward to your continued assistance and direction as to how we might best proceed to accomplish our common objective.

Sincerely yours,

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